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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/806,578

03/22/2004

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SCOR-00000

2215

28960 7590 11/12/2008
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EXAMINER

WALSH, JOHN B

ART UNIT

PAPER NUMBER

2451

MAIL DATE

DELIVERY MODE

11/12/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/806,578	Applicant(s) SEBES ET AL.	
	Examiner John B. Walsh	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>3/21/08,4/14/08</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: connection message.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3, 5-10, 13-19, 22-27, 29, 31, 33, 36-38, 40 and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,699,513 to Feigen et al.

As concerns claims 1 and 17, determining whether one or more usage-conditions are met (abstract); intercepting a connection message/first service initiation request (abstract); conditionally sending based on the one or more usage conditions the message sent from a client (host) to a server (fig. 1) over a communication-conduit/network (figure 1; networks).

As concerns claims 2 and 18, forwarding the message to the server over the communication-conduit when the one or more usage conditions are met (fig. 1, 28).

As concerns claims 3, 14, 19, 26, 31 and 38, identifying a first network address of the server, a second network address of the client and a port number (fig. 2) of the communication-conduit.

As concerns claims 5, 10 and 37, a time window (col. 5, lines 1-15).

As concerns claims 6 and 37, obtaining a confirmation from a human wherein the human is associated with the client or has administrative privilege (inherent for a human to indirectly provide confirmation, since human interaction was involved in creation/programming of computer system).

As concerns claim 8, determining whether a configuration of the client comprises one or more pre-determined data (col. 7, line 1-user authentication data).

As concerns claims 9 and 16, determining whether a repository/system admin comprises one or more authorization data pertinent to the message (col. 3, lines 25-40).

As concerns claims 13 and 25, discarding the message when the one or more usage conditions are not met (abstract; col. 4, lines 20-30-not authorized; col. 3, lines 25-40-filter out if conditions not met).

As concerns claims 15 and 27, logging a result of the determining step (col. 6, lines 19-25).

As concerns claims 22 and 43, the service-proxy determines a request-type indicated by the service request (col. 8, lines 43-45).

As concerns claims 7, 10, 23 and 24, a TCP connection or session (col. 7, lines 63-64).

As concerns claim 29, a communication-proxy (fig 1, 26) for intercepting a connection message (abstract) from a client (fig 1) to a server (fig 1) over a communication conduit (figure 1; networks); wherein the communication-proxy is programmed to determine whether one or more communication conduit usage conditions are met, and wherein the communication proxy forwards the message to the server over the communication conduit when the one or more usage

conditions are met or discards the message when the one or more usage conditions are not met (abstract).

As concerns claims 33 and 40, the communication-proxy resides in a network element in a communication path between the client and the server (fig. 1, 16, 26).

As concerns claim 36, a service proxy (fig 1, 26) for intercepting a service-initiation request (abstract) from a client (fig 1) to a server (fig 1) over a network (figure 1; networks); wherein the service-proxy determines whether one or more communication conduit usage conditions are met, and wherein the service proxy forwards the service-initiation request to the server over the network when the one or more usage conditions are met or discards the service-initiation request when the one or more service conditions are not met (abstract).

4. Claims 17-19, 21, 22, 25-28, 36-38 and 40-43 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,442,686 to McArdle et al.

As concerns claim 17, intercepting a message/first service request (abstract), the message sent from a client (abstract) to a server (abstract-mail server) over a communication-conduit/network (figure 3); and determining whether one or more communication-conduit usage conditions are met (abstract).

As concerns claim 18, forwarding the message to the server over the communication-conduit when the one or more usage conditions are met (abstract).

As concerns claims 19, 26 and 38, identifying a first network address (col. 4, lines 18-20) of the server, a second network address (col. 4, lines 18-20) of the client and a port number (col. 6, line 61; col. 7, lines 10-20) of the communication-conduit.

As concerns claims 21 and 37, determining step comprises (a) obtaining a confirmation from a human (col. 8, lines 66-67), (b) determining whether the communication conduit was used by the client prior to the client's sending the message, or (c) determining whether the client sent the message within an authorized time-window.

As concerns claim 25, discarding the message when the one or more usage conditions are not met (abstract lines 12-14).

As concerns claim 27, logging a result of the determining step (col. 3, lines 54-55; col. 7, lines 45-55).

As concerns claim 28, notifying a system-administrator of a result of the determining step (col. 12, line 17).

As concerns claims 22 and 43, the service-proxy determines a request-type indicated by the service request (col. 6, lines 65-67; SMTP).

As concerns claim 36, a communication/service proxy (col. 3, line 26; col. 6, line 55) for intercepting a message from a client (abstract) to a server (abstract-mail server) over a communication conduit/network (figure 3); wherein the communication/service proxy determines whether one or more communication conduit usage conditions are met, and wherein the communication proxy forwards the message to the server over the communication conduit when the one or more usage conditions are met or discards the message when the one or more usage conditions are not met (abstract lines 12-14).

As concerns claim 40, the communication proxy resides in a network element such as a switch or router (broadest reasonable interpretation and in light of the specification p. 12-communication device that is part of a data network between physical communication interfaces

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and communication medium), the network element in a communication path between the client and the server (col. 6, lines 55-56).

As concerns claim 41, the communication proxy and the client reside on the same host (figure 3, 380; client and server are interchangeable based on perspective of sending or receiving).

As concerns claim 42, the communication proxy and the server reside on the same host (figure 3, 380).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 20, 23, 24 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,442,686 to McArdle et al. as applied above in view of U.S. Patent Application Publication 2003/0120811 to Hanson et al.

McArdle et al. '686 do not explicitly disclose sending a plurality of DHCP reply messages for binding a first address of a first host to a second address of a second host, the plurality of DHCP reply messages sent to a third host, the server residing on the first host, and the client residing on the third host.

Hanson et al. '811 teach DHCP (0286, 0287).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the system of McArdle et al. '686 with DHCP, as taught by Hanson et al. '811, in order to provide a means of automatically assigning addresses. Such a modification is a combination of known elements yielding predictable results.

As concerns claims 23 and 24, McArdle et al. '686 do not explicitly disclose, determining whether a second service request of the same request type as the first service request/one or more predetermined request types was forwarded to the server within a specific context, wherein a context comprises a TCP connection or a session (0032).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the system of McArdle et al. '686 with TCP, as taught by Hanson et al. '811, in order to provide a standard transport protocol that is reliable.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the system of McArdle et al. '686 with determining a time window, as taught by Douglass et al. '877, in order to provide a means of providing a correspondence between the time of communication and the budget of the user, thus balancing the traffic of the network and saving the user more money. Such a modification is a combination of known elements yielding predictable results.

7. Claims 4, 20, 32 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,699,513 to Feigen et al. as applied above in view of U.S. Patent Application Publication 2003/0120811 to Hanson et al.

Feign et al. '513 do not explicitly disclose sending a plurality of DHCP reply messages for binding a first address of a first host to a second address of a second host, the plurality of DHCP reply messages sent to a third host, the server residing on the first host, and the client residing on the third host.

Hanson et al. '811 teach DHCP (0286, 0287).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the system of Feign et al. '513 with DHCP, as taught by Hanson et al. '811, in order to provide a means of automatically assigning addresses. Such a modification is a combination of known elements yielding predictable results.

8. Claims 11, 12 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,699,513 to Feigen et al. as applied above in view of U.S. Patent No. 6,587,877 to Dougliis et al.

Feign et al. '513 do not explicitly disclose determining whether the message is sent within a pre-determined time-window, wherein the time window comprises one or more weekday peak usage hours.

Dougliis et al. '877 teach determining whether the message is sent within a pre-determined time-window, wherein the time window comprises one or more weekday peak usage hours (col. 3, lines 1-27).

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the system of Feign et al. '513 with determining a time window, as taught by Dougliis et al. '877, in order to provide a means of providing a correspondence between the time of

communication and the budget of the user, thus balancing the traffic of the network and saving the user more money. Such a modification is a combination of known elements yielding predictable results.

9. Claims 34, 35, 41 and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,699,513 to Feigen et al. as applied above.

Feigen et al. '513 do not explicitly disclose the proxy and the client/server residing on the same host. It would have been an obvious design choice to combine separate elements into a single element. Such a modification would provide predictable results.

Response to Arguments

10. Applicant's arguments with respect to claims 1-28 and 36-43 have been considered but are moot in view of the new ground(s) of rejection.

As concerns the prior art of McArdle et al. '686, the term "service-initiation request" has been given the broadest reasonable interpretation and the message of McArdle et al. '686 satisfies this term.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to John B. Walsh whose telephone number is 571-272-7063. The examiner can normally be reached on Monday-Thursday from 7:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on 571-272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/John B. Walsh/
Primary Examiner, Art Unit 2151